UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,222	04/18/2001	Yoshihiro Nakagawa	1080.1096/JDH	6419

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EXAMINER
PATEL, HARESH N

ART UNIT	PAPER NUMBER
2126	5

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/836,222	Applicant(s) NAKAGAWA, YOSHIHIRO
	Examiner Haresh Patel	Art Unit 2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-7_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _18 April 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _5_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-7 are presented for examination.

Priority

2.   Applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) or (f), is acknowledged.

Specification

3.   The following guidelines illustrate the preferred layout for the specification of a utility

application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include
the following sections in order. Each of the lettered items should appear in upper case, without
underlining or bold type, as a section heading. If no text follows the section heading, the phrase
"Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR
      DEVELOPMENT.
(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A
      COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program
      listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables
      having more than 50 pages of text are permitted to be submitted on compact
      discs.) or
      REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).
      "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
(e) BACKGROUND OF THE INVENTION.
      (1) Field of the Invention.
      (2) Description of Related Art including information disclosed under 37 CFR 1.97
      and 1.98.
(f) BRIEF SUMMARY OF THE INVENTION.
(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).
(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence
Listing" is required on paper if the application discloses a nucleotide or amino
acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence
Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities:

i.   The section "Description of Related Art" including information disclosed

under 37 CFR 1.97 and 1.98 of the BACKGROUND OF THE INVENTION is

missing. This section should contain prior art, example, all known system

background of the submitted IDS.

ii.   The section "Field of the Invention" of the BACKGROUND OF THE

INVENTION is does not contain computer terminology.

Appropriate correction is required.

4.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

The following title is suggested: "A medical system with a management software,

database and a network interface to protect patient information from unauthorized personnel".

5.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a
separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed
150 words in length since the space provided for the abstract on the computer tape used by the
printer is limited. The form and legal phraseology often used in patent claims, such as "means"
and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist
readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

    a.   The abstract should not contain more than 150 words.

    Appropriate correction is required.

6.   Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;
(2) if an article, its method of making;
(3) if a chemical compound, its identity and use;
(4) if a mixture, its ingredients;
(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The abstract of the disclosure is objected to because it does not contain computer

terminology and is not properly understood. Key terms involved in the invention like servers,

clients, finger print device, etc., are missing in the abstract. Correction is required. See MPEP

§ 608.01(b).

Drawings

7.   Figures 1, 2, 3, 4 and 5 should be designated by a legend such as --Prior Art-- because

only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or

corrected drawings are required in reply to the Office action to avoid abandonment of the

application. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

8.   An initialed and dated copy of Applicant's IDS form 1449, Paper No. 5, is attached to the

instant Office action.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.   Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Stoodley

6,611,846 (Hereinafter Stoodley).

11.   As per claim 1, Stoodley teaches the following:

an individual information managing device connected to a communication line network

(e.g., Central server for the storage and retrieval of medical information of the patient connected

the public network, figure 8), for managing individual information (e.g., patient information,

abstract), the device comprising:

an individual information storing section in which information on each individual has

been registered (e.g., The storage and retrieval of medical information is provided by use of a

database that facilitates accurate clinical audit, research and/or resentation activities.

Comprehensive patient information may be retrieved based on patient descriptive categories

including the anatomy, pathology or clinical presentation, treatment and outcome factors of each

case, abstract),

a disclosure procedure storing section in which an information disclosure procedure

assigned for each individual by each individual has been registered (e.g., The storage and

retrieval of medical information is provided by use of a database that facilitates accurate clinical

audit, research and/or resentation activities. Comprehensive patient information may be

retrieved based on patient descriptive categories including the anatomy, pathology or clinical

presentation, treatment and outcome factors of each case, abstract); and

a disclosure procedure executing section (e.g., central server, figure 8) that receives a

request for disclosing :information on a specific individual through the communication line

network (e.g., Central server for the storage and retrieval of medical information of the patient

connected the public network, figure 8), executes an information disclosure procedure that

matches an information disclosure procedure of the specific individual stored in the disclosure

procedure storing section (e.g., Data from the various levels may be compared, as well as data

between individual categories. In some embodiments, selected multimedia data may be accessed

based on criteria from data options of the patient descriptive categories, abstract), and transmits

the information on the specific individual to the communication line network toward the

information requesting origin when the information disclosure procedure has been satisfied (e.g.,

A user may request selected data through a search query, as described above for a client-based

system. However, in one method of conducting a search, the user must first transfer their patient

data to the central server prior to conducting such a request. An activation unit in the server may

be present to determine whether patient data were received from a user station prior to the user

sending instructions for selected portions of patient data. Thus, upon requesting a search, the

user is prompted to transmit patient data from the user station to the server, col. 15, lines 58 –

67).

12.   As per claims 2-7, Stoodley teaches the following:

        the individual information storing section is registered with each individual information

that consists of a plurality of ranked pieces of information for each individual, based on the

arrangement that each individual assigns a rank to each of the pieces of information that

constitute the individual information from among a, plurality of ranks (e.g., The categories

include data options that may be organized in the form of a hierarchical tree that has branching

levels of data options with decreasing specificity. Data from the various levels may be

compared, as well as data between individual categories. In some embodiments, selected

multimedia data may be accessed based on criteria from data options of the patient descriptive

categories, abstract),

the disclosure procedure storing section is registered with an information disclosure

procedure according to each rank within each individual assigned by each individual (e.g., The

categories include data options that may be organized in the form of a hierarchical tree that has

branching levels of data options with decreasing specificity. Data from the various levels may be

compared, as well as data between individual categories. In some embodiments, selected

multimedia data may be accessed based on criteria from data options of the patient descriptive

categories, abstract), and

the disclosure procedure executing section receives a request for disclosing information

on a specific individual, and executes an information disclosure procedure stored in the

disclosure procedure storing section that matches an information disclosure procedure

corresponding to a rank of the information on the specific individual of which disclosure request

has been received (e.g., In order to store medical patient data, a user prompts the platform to

prepare for data entry through the input device. The user may initiate a request for a data storage

screen to appear on the display, usually by selecting from a main menu display screen. The user

may also specify the medical specialty for which the database is to be used. For example, the

user may select a button on the main menu screen that instructs the database that the specialty

function is to be neurosurgery, orthopedics, cardiology, or the like. The database will adapt to

present to the user the appropriate display screens, menus and data option lists for the select

specialty area, col.7, lines 29 – 40),

the disclosure procedure storing section is registered with an information disclosure

procedure at a normal time for each individual assigned by each individual, and an information

disclosure procedure at an emergency time for each individual assigned by each individual, and

the disclosure procedure executing section receives a request for disclosing information

on a specific individual, with attached information for identifying a normal time and an

emergency time, and executes an information disclosure procedure of the specific individual

stored in the disclosure procedure storing section that matches the information disclosure

procedure at a normal time or the information disclosure procedure at an emergency time,

depending on whether the disclosure request belongs to the normal time or the emergency time

(e.g., Moreover, it is advantageous for data storage and manipulation mediums to be flexible, so

as to accommodate a variety of information/data. Medical information may take numerous

forms, including text, images and video, or variations thereof, such as image overlay data,

measurements, coordinates, etc. Information may also be in the form of time-dependent data

including sound, such as audio dictation, and waveform data. The data may also be static

representations of time-dependent forms, such as curves, col. 11, lines 15 – 30),

the disclosure procedure storing section is registered with a posting procedure assigned

by each individual for posting to an individual, as a part of an information disclosure procedure

for each individual, and (e.g., The medical profession is under a strict duty to protect the

confidentiality of patients. Thus, protection of medical data/information is of paramount

importance. The present data analysis system may include some form of security measures, such

as the use of passwords. Password identification determines whether a user is authorized to gain

access to the system, col. 8, lines 3 – 9),

the disclosure procedure executing section has a disclosure request posting section that

receives a request for disclosing information on a specific individual, posts to the specific

individual that there has been a request for disclosing the individual information, in a posting

procedure that matches the posting procedure to the specific individual stored in the disclosure

procedure storing section, and receives an approval for the information disclosure from the

individual who has received this posting, and the disclosure procedure executing section receives

an approval for the information disclosure from the disclosure request posting section, and

further proceeds with the information disclosure procedure, (e.g., One method of conducting data

analysis using a public network includes assembling the patient data into packets. At least one

criterion from at least one category is selected and a request is made to a server for selected

medical patient data associate with the at least one criterion. The packets having the patient data

are sent into the public network for receipt at the server. Thereafter, the selected patient data is

received from the server. In one variation of method, the patient data are encrypted prior to

sending the packets into the network, col. 5, lines 6 – 15),

the disclosure procedure storing section is registered with an authentication procedure

assigned by each individual for authenticating each individual,. as apart of an information

disclosure procedure for each individual, (e.g., The medical profession is under a strict duty to

protect the confidentiality of patients. Thus, protection of medical data/information is of

paramount importance. The present data analysis system may include some form of security

measures, such as the use of passwords. Password identification determines whether a user is

authorized to gain access to the system, col. 8, lines 3 – 9), and

the disclosure procedure executing section has an authenticating section that receives a

request for disclosing information on a specific individual, and authenticates the specific

individual in an authentication procedure that matches the authentication procedure of the

specific individual stored in the disclosure procedure storing section (e.g., The medical

profession is under a strict duty to protect the confidentiality of patients. Thus, protection of

medical data/information is of paramount importance. The present data analysis system may

include some form of security measures, such as the use of passwords. Password identification

determines whether a user is authorized to gain access to the system, col. 8, lines 3 – 9),

the disclosure procedure storing section is registered with an authentication procedure

assigned by each individual for authenticating each individual, as a part of an information

disclosure procedure for each individual (e.g., The medical profession is under a strict duty to

protect the confidentiality of patients. Thus, protection of medical data/information is of

paramount importance. The present data analysis system may include some form of security

measures, such as the use of passwords. Password identification determines whether a user is

authorized to gain access to the system, col. 8, lines 3 – 9), and

the disclosure procedure executing section has an authenticating section that authenticates

the specific individual in an authentication procedure that matches the authentication procedure

of the specific individual stored in the disclosure procedure storing section, after the disclosure

procedure executing section has received an approval for the information disclosure of the

specific individual from the disclosure request posting section (e.g., The medical profession is

under a strict duty to protect the confidentiality of patients. Thus, protection of medical

data/information is of paramount importance. The present data analysis system may include

some form of security measures, such as the use of passwords. Password identification

determines whether a user is authorized to gain access to the system, col. 8, lines 3 – 9),

the disclosure procedure storing section can be freely registered with an authorized

person to whom the right of proceeding with an information disclosure procedure on behalf of

the individual has been transferred for each individual (e.g., The medical profession is under a

strict duty to protect the confidentiality of patients. Thus, protection of medical data/information

is of paramount importance. The present data analysis system may include some form of

security measures, such as the use of passwords. Password identification determines whether a

user is authorized to gain access to the system, col. 8, lines 3 – 9), and

the disclosure procedure executing section receives a request for disclosing information

on a specific individual, and executes an information disclosure procedure of the specific

individual stored in the disclosure procedure storing section that matches the information

disclosure procedure of an authorized person as a procedure for disclosing the information on the

specific individual, when the disclosure procedure storing section has been registered with the

authorized person to whom the right of proceeding with the information disclosure procedure on

behalf of the individual has been transferred (e.g., In order to protect the confidential nature of

the patient information, usually the patient data set is stripped of data that may identify the

individual patient. For example, the patient's name, address, social security number, etc. is

protected. There are several ways of securing this personal data. In one embodiment, the

personal data is not forwarded to the central server. Alternatively, the central server may receive

the personal data and remove this data from the data set prior to storing the data. In other cases,

the central server may store the personal data but restrict access to the sensitive data, such as by

removing the personal data from the selected data prior to sending the data to a user station, col.

16, lines 22 – 33).

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

McGauley et al., 5,899,998, also clearly teaches a method and a system for maintaining

and updating computerized medical records. McGauley teaches a system with a management

software and a database management system to protect patient information from unauthorized

personnel.

Bardy 6,280,380, teaches a system and a method containing a server connected to the

network with the database to manipulate the patient information considering the confidentiality

information.

See Form PTO-892 for other arts that is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The

examiner can normally be reached on Monday-Friday from 8:00 am to 5:30 pm.

· If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or

proceeding is assigned is (703) 306-5404.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

October 3, 2003.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100